

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:13-CR-18 JCM (GWF)

**Plaintiff(s).**

## ORDER

V.

LEON BENZER, et al.

Defendant(s).

Presently before the court is *pro se* petitioner Ricky Anderson's motion for *nunc pro tunc* judgment. (ECF No. 792).

On May 21, 2015, the court sentenced petitioner eighteen (18) months in custody to run ***consecutively*** to the state of Texas case number 199-81245-048, with three (3) years of supervised release. (ECF Nos. 613, 736).

In the instant motion, petitioner requests that the court correct the judgment, arguing that the federal sentence was to run “concurrently” with the state sentence. In particular, petitioner asserts that “there was some type of miscommunication and the sentence was marked down as consecutive.” (ECF No. 792 at 5).

The court disagrees as the record does not support petitioner’s version of the events. To the contrary, the record supports that the federal sentence was to run “consecutively” to the state sentence. Accordingly, the court will deny petitioner’s motion.

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Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for *nunc pro tunc* judgment (ECF No. 792) be, and the same hereby is, DENIED.

DATED February 7, 2017.

Jew C. Mahan  
UNITED STATES DISTRICT JUDGE